

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



October 14, 1987

ALL COUNTY INFORMATION NOTICE NO: I-91-87

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: AFDC HOMELESS ASSISTANCE

Attached for your information is a copy of the enrolled version of AB 1733 (Isenberg). This legislation provides homeless assistance in the form of a nonrecurring special need to qualifying AFDC applicants and recipients. The Governor signed this bill into law on September 30, 1987.

The purpose of this letter is to apprise you of the legislation and to provide you with a summary of the main features. The nonrecurring special need for homeless assistance consists of two basic components. The first component addresses the immediate shelter needs of the assistance unit and provides for temporary shelter. The second component assists families in securing long-term housing by providing permanent shelter assistance. Following are the main features of each component:

TEMPORARY SHELTER FEATURES:

- A \$30 per day special need payment would be available to qualifying AFDC applicants and recipients for the costs of temporary shelter; an additional amount may be granted to a family needing additional bed space. The temporary shelter special need is allowable for up to three weeks, with an additional week permitted if good cause exists.
- Temporary shelter would be available to an applicant family apparently eligible for AFDC, but whose eligibility has not been verified.
- Families are expected to seek permanent shelter during the temporary shelter period.

PERMANENT SHELTER FEATURES:

- A nonrecurring special need payment is available to eligible AFDC families to assist the families in obtaining permanent housing. This special need would cover the costs of the last month's rent and/or security and utility deposits, as necessary.
- An amount not to exceed 80% of maximum aid payment (MAP) without special needs would be granted to a family to meet the costs of the last month's rent.
- A warrant or denial notice of action for homeless assistance for permanent housing would have to be issued no later than one day from the date the CWD has received: (1) all information necessary to establish AFDC eligibility and (2) evidence of the availability of permanent housing at 80% of the family's MAP.

ADDITIONAL FEATURES:

- Eligibility for the nonrecurring special need payment for homeless assistance (both the temporary and permanent shelter components) would be limited to once every 12 months.
- Payments for temporary and permanent shelter assistance would be made directly to providers on behalf of families requesting such payments.

We will be issuing emergency regulations by January 1, 1988. These regulations will become effective February 1, 1988, the operative date of the law. If you have any questions regarding this letter or the attached law, please call Kirsten Solomon of the AFDC Policy Bureau at (916) 324-2006.



ROBERT A. HOREL
Deputy Director

Attachment

cc: CWDA

Assembly Bill No. 1733

Passed the Assembly September 11, 1987

Chief Clerk of the Assembly

Passed the Senate September 11, 1987

Secretary of the Senate

This bill was received by the Governor this _____
day of _____, 1987, at _____ o'clock ____M.

Private Secretary of the Governor

program.

Existing provisions of law contain a continuous appropriation of funds for certain public assistance programs, including an amount sufficient to each county for the support and assistance, as specified, including an allowance for nonrecurring special needs, as specified. This bill, by revising eligibility standards for nonrecurring special needs, revise the continuing appropriation and thereby result in an appropriation.

Existing law also provides for various social services which shall be offered in order to further the welfare of children, including the provision of emergency shelter care.

This bill would specify that, for purposes of the Child Welfare Program, the term "emergency shelter care" means emergency shelter provided to children who have been removed from their parents or guardians. Under existing provisions of law, AFDC assistance may be paid in-kind or by vendor payments where it is determined there is mismanagement of aid payments in cash by the recipient.

This bill would repeal that provision. The bill would require the State Department of Social Services to adopt emergency regulations to implement this bill.

This bill would become operative February 1, 1988. The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

Appropriation: yes.

CHAPTER —

An act to amend Sections 11450, 11452, and 16501 of, to add Section 15200.15 to, and to repeal Section 11454 of, the Welfare and Institutions Code, relating to public social services, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1733, Isenberg. Aid to Families with Dependent Children: eligibility. Existing law provides for the county-administered Aid to Families with Dependent Children (AFDC) program, under which needy families with dependent children are provided with cash assistance.

Existing law provides that a family receiving aid under the AFDC program shall be eligible to receive an allowance for special nonrecurring needs caused by sudden and unusual circumstances beyond the control of the family, and that a family shall only be eligible for this special needs allowance after the family has used all available liquid resources.

This bill would allow a family to be eligible after it has used all available liquid resources in excess of \$100, and would revise the circumstances causing the special needs which make a family eligible for the special needs allowance.

The bill would impose a state-mandated local program by specifying that homeless assistance is available to a family seeking shelter when the family is either eligible or apparently eligible for AFDC, and that a nonrecurring special needs allowance of \$30 a day shall be available for up to 3 weeks to qualifying AFDC applicant and recipient families for the costs of temporary shelter, which may be increased for large families, also if authorized by the Budget Act.

The AFDC program is supported in part by county funds, and by increasing the cost of the program by revising eligibility standards and by specifying the \$30 per day nonrecurring needs allowance for temporary shelter, this bill would impose a state-mandated local

The people of the State of California do enact as follows:

SECTION 1. Section 11450 of the Welfare and Institutions Code is amended to read:

(a) For each needy family which shall include all eligible brothers and sisters of each eligible applicant or recipient child and the parents of the children, but shall not include unborn children, or recipients of aid under Chapter 3 (commencing with Section 12000), qualified for aid under this chapter, there shall be paid, notwithstanding minimum basic standards of adequate care established by the department under Section 11452, an amount of aid each month which when added to the family's income, exclusive of any amounts considered exempt as income or (f) paid pursuant to subdivision (e) or Section 11453.1, is equal to the sums specified in the following table, as adjusted for cost-of-living increases pursuant to Section 11453:

Number of eligible needy persons in the same home	Maximum aid
1	\$ 258
2	424
3	526
4	625
5	713
6	802
7	880
8	959
9	1,036
10 or more	1,114

If, when and during such times as the United States government increases or decreases its contributions in assistance of needy children in this state above or below the amount paid on July 1, 1972, the amounts specified in the above table shall be increased or decreased by an amount equal to such increase or decrease by the United States government, provided that no such increase or

decrease shall be subject to subsequent adjustment pursuant to Section 11453.

(b) When the family does not include a needy child qualified for aid under this chapter, aid shall be paid to a pregnant mother in the amount which would otherwise be paid to one person as specified in subdivision (a) from the date of verification of pregnancy if the mother, and child if born, would have qualified for aid under this chapter.

(c) The amount of seventy dollars (\$70) per month shall be paid to pregnant mothers qualified for aid under subdivision (a) or (b) to meet special needs resulting from pregnancy if the mother, and child, if born, would have qualified for aid under this chapter. County welfare departments shall refer all recipients of aid under this subdivision to a local provider of the Women, Infants and Children program. If such payment to pregnant mothers qualified for aid under subdivision (a) is considered income under federal law in the first five months of pregnancy, payments under this subdivision shall not apply to persons eligible under subdivision (a), except for the month in which birth is anticipated and for the three-month period immediately prior to the month in which delivery is anticipated, if the mother, and the child if born, would have qualified for aid under this chapter.

(d) For children receiving AFDC-FC under the provisions of this chapter, there shall be paid, exclusive of any amount considered exempt as income, an amount of aid each month which when added to the child's income, is equal to the rate specified in Section 11461, 11462, 11462.1, or 11463. In addition, the child shall be eligible for special needs, as specified in departmental regulations.

(e) In addition to the amounts payable under subdivision (a) and Section 11453.1, a family shall be entitled to receive an allowance for recurring special needs not common to a majority of recipients. These recurring special needs shall include, but not be limited to, special diets upon the recommendation of a physician for circumstances other than pregnancy, and unusual costs of transportation, laundry, housekeeping service, telephone, and utilities. The recurring special needs

allowance for each family per month shall not exceed that amount resulting from multiplying the sum of ten dollars (\$10) by the number of recipients in the family who are eligible for assistance.

(f) After a family has used all available liquid resources, both exempt and nonexempt, in excess of one hundred dollars (\$100), the family shall also be entitled to receive an allowance for nonrecurring special needs. (1) An allowance for nonrecurring special needs shall be granted for replacement of clothing and household equipment and for emergency housing needs other than those needs addressed by paragraph (2). These needs shall be caused by sudden and unusual circumstances beyond the control of the needy family. The department shall establish the allowance for each of the nonrecurring special need items. The sum of all nonrecurring special needs provided by this subdivision shall not exceed six hundred dollars (\$600) per event.

(2) Homeless assistance is available to a homeless family seeking shelter when the family is eligible for aid under this chapter. Homeless assistance for temporary shelter is also available to homeless families which are apparently eligible for aid under this chapter. Apparent eligibility exists when evidence presented by the applicant or which is otherwise available to the county welfare department and the information provided on the application documents indicate that there would be eligibility for aid under this chapter if the evidence and information were verified. However, an alien applicant who does not provide verification of his or her eligible alien status, or a woman with no eligible children who does not provide medical verification of pregnancy is not apparently eligible for purposes of this section.

A family is considered homeless, for the purpose of this section, when the family lacks a fixed and regular nighttime residence; or the family has a primary privately operated shelter designed to provide temporary living accommodations; or the family is residing in a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for

human beings.

(A) A nonrecurring special need of thirty dollars (\$30) a day shall be available for up to three weeks to families for the costs of temporary shelter. County welfare departments may increase the daily amount available for temporary shelter to large families as necessary to secure the additional bed space needed by the family. This special need shall be granted or denied immediately upon the family's application for homeless assistance. The three-week limit shall be extended one week based upon good cause or other circumstances defined by the department. Good cause shall include, but is not limited to, situations in which the county welfare department has determined that the family, to the extent it is capable, has made a good faith but unsuccessful effort to secure permanent housing within the three week limit.

(B) A nonrecurring special need for permanent housing assistance is available to pay for last month's rent and security deposits when these payments are reasonable conditions of securing a residence. The last month's rent portion of the payment (1) shall not exceed 80 percent of the family's maximum aid payment without special needs for a family of that size and (2) shall only be made to families that have found permanent housing costing no more than 80 percent of the family's maximum aid payment without special needs for a family of that size, in accordance with the maximum aid schedule specified in subdivision (a).

However, if the county welfare department determines that a family intends to reside with individuals who will be sharing housing costs, the county welfare department shall, in appropriate circumstances, set aside the condition specified in clause (2) of the preceding paragraph.

(C) The nonrecurring special need for permanent housing assistance is also available to cover the standard costs of deposits for utilities which are necessary for the health and safety of the family.

(D) A payment for or denial of permanent housing assistance shall be issued no later than one working day from the time that a family presents evidence of the

The amounts payable to recipients pursuant to Section 11453.1 shall not constitute income to recipients of aid under this section.

SEC. 2. Section 11452 of the Welfare and Institutions Code is amended to read:

11452. (a) Minimum basic standards of adequate care shall be distributed to the counties and shall be binding upon them. The standards are determined on the basis of the schedule set forth in this section, as adjusted for cost-of-living increases or decreases pursuant to Section 11453, which schedule is designed to insure:

- (1) Safe, healthful housing.
- (2) Minimum clothing for health and decency.
- (3) Low-cost adequate food budget meeting recommended dietary allowances of the National Research Council.
- (4) Utilities.
- (5) Other items including household operation, education and incidentals, recreation, personal needs, and insurance.
- (6) Allowance for essential medical, dental, or other remedial care to the extent not otherwise provided at public expense.

The schedule of minimum basic standards of adequate care is as follows:

Number of needy persons in the same family	Minimum basic standards of adequate care
1	\$ 258
2	424
3	526
4	625
5	713
6	802
7	880
8	959
9	1,040
10	1,130

availability of permanent housing. If an applicant family provides evidence of the availability of permanent housing before the county welfare department has established eligibility for aid under this chapter the county welfare department shall complete the eligibility determination so that the denial of or payment for permanent housing assistance is issued within one working day from the submission of evidence of the availability of permanent housing, unless the family has failed to provide all of the verification necessary to establish eligibility for aid under this chapter.

(E) Eligibility for the temporary shelter assistance and the permanent housing assistance pursuant to paragraph (2) is limited to once every 12 months.

(F) The county welfare departments, and all other entities participating in the costs of the AFDC program, have the right in their share to any refunds resulting from payment of the permanent housing. However, if an emergency requires the family to move within the 12-month period specified in subparagraph (E), the family shall be allowed to use any refunds received from its deposits to meet the costs of moving to another residence.

(G) Payments to providers for temporary shelter and permanent housing and utilities shall be made on behalf of families requesting these payments.

(H) The daily amount for the temporary shelter special need for homeless assistance may be increased if authorized by the current year's Budget Act by specifying a different daily allowance and appropriating the funds therefor.

(g) The department shall establish rules and regulations assuring the uniform application statewide of the provisions of this subdivision.

(h) The department shall notify all applicants and recipients of aid through the standardized application form that these benefits are available and shall provide an opportunity for recipients to apply for the funds quickly and efficiently.

(i) Except for the purposes of Section 15200, the amounts payable to recipients pursuant to Section 11453.1

plus nine dollars (\$9) for each additional needy person.

(b) The minimum basic standard of adequate care shall also include the amount or amounts resulting from an allowance for recurring special needs, as specified in subdivision (e) Section 11450, and the amount or amounts resulting from the granting of a nonrecurring special need, equal to the amounts specified in paragraphs (1) and (2) of subdivision (f) of Section 11450.

(c) The department shall establish rules and regulations assuring the uniform application statewide of the provisions of this section.

SEC. 3. Section 11454 of the Welfare and Institutions Code is repealed.

SEC. 4. Section 15200.15 is added to the Welfare and Institutions Code, to read:

15200.15. For purposes of Section 15200, any reference to paragraphs (1) and (2) of subdivision (e) of Section 11450 shall mean subdivisions (e) and (f) of Section 11450.

SEC. 4. Section 16501 of the Welfare and Institutions Code is amended to read:

16501. As used in this chapter, "child welfare services" means public social services which are directed toward the accomplishment of the following purposes: (a) protecting and promoting the welfare of all children, including handicapped, homeless, dependent, or neglected children; (b) preventing or remedying, or assisting in the solution of problems which may result in, the neglect, abuse, exploitation, or delinquency of children; (c) preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing breakup of the family where the prevention of child removal is desirable and possible; (d) restoring to their families children who have been removed, by the provision of services to the child and the families; (e) identifying children to be placed in suitable adoptive homes, in cases where restoration to the biological family is not possible or appropriate; and (f) assuring adequate care of children away from their homes, in cases where the child cannot be returned home

or cannot be placed for adoption. Child welfare services may include, but are not limited to: case management, counseling, emergency shelter care, emergency in-home caretakers, temporary in-home caretakers, out-of-home respite care, teaching and demonstrating homemakers, parenting training, and transportation.

As used in this chapter "emergency shelter care" means emergency shelter provided to children who have been removed pursuant to Section 300 from their parent or parents or their guardian or guardians.

The county shall provide child welfare services as needed pursuant to an approved service plan and in accordance with regulations promulgated by the department. Counties may contract for child welfare services, as defined in Sections 16504.1, 16560.1, 16507.1, and 16508.1. Each county shall use available private child welfare resources prior to developing new county-operated resources when the private child welfare resources are of at least equal quality and lesser or equal cost as compared with county-operated resources. Counties shall not contract for needs assessment, client eligibility determination, or any other activity as specified by regulations of the State Department of Social Services.

Nothing in this chapter shall be construed to affect duties which are delegated to probation officers pursuant to Sections 601 and 654 of the Welfare and Institutions Code.

Any county may utilize volunteer individuals to supplement professional child welfare services in the areas of transportation, respite care, and emergency foster care, provided all volunteers agree to be subject to the State Department of Social Services regulations.

SEC. 5. The Legislature finds and declares all of the following:

(a) The Legislature hereby recognizes and acknowledges that child welfare services authorized pursuant to Section 16500 et seq., of the Welfare and Institutions Code are intended to make it possible for children who are victims of child abuse, neglect, or exploitation to remain with their families whenever

possible. Further, child welfare services emergency shelter care is to be available only for the purpose of providing shelter for children following removal from their families when these measures are necessary to protect the child from abuse, neglect, or exploitation within the family environment.

(b) Subdivision (b) of Section 300 of the Welfare and Institutions Code underscores the inappropriateness of public intervention in the relationship between parents and their children solely on the basis of unavailability of emergency shelter for the family. The problems of homeless families are best resolved by expanding aid available pursuant to Section 11000 et seq., of the Welfare and Institutions Code so that these families will have access to resources necessary to acquire shelter.

(c) It is the intent of the Legislature to resolve the dispute in the case of *Hansen v. McMahon* (Superior Court of Los Angeles, No. CA 000974), and *Hansen v. Department of Social Services* (193 Cal App. 3d 283) and to clarify that the provision of emergency shelter care under Chapter 5 (commencing with Section 16500) of Part 4 of Division 9 of the Welfare and Institutions Code is for children only and not for their parents, guardians, caretakers, or others.

SEC. 6. No reimbursement shall be made from the State Mandates Claims Fund pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code for costs mandated by the state pursuant to this act. It is recognized, however, that a local agency or school district may pursue any remedies to obtain reimbursement available to it under Part 7 (commencing with Section 17500) and any other provisions of law.

SEC. 7. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the State Department of Social Services shall adopt emergency regulations to implement the system provided for in subdivision (f) of Section 11450 of the Welfare and Institutions Code. The emergency regulations shall remain in effect for no more than 120 days, unless the department complies with all

the provisions of Chapter 3.5 (commencing with Section 11340) as required by subdivision (e) of Section 11346.1 of the Government Code.

SEC. 8. The nonrecurring special need for homeless assistance, provided in Section 1 of this act, shall be available to applicant and recipient families, only to the extent that there is federal financial participation available for this assistance.

If federal financial participation is available for applicant and recipient families under Section 1 of this act, then families who fail to meet federal eligibility rules solely due to the requirements of 42 U.S.C. 607 (b)(1) (B or (c)(i)), and as those sections may hereafter be amended, shall also be eligible for aid under Section 1 if the family is eligible for aid pursuant to subdivision (b) of Section 11201, Section 18315, and subdivision (b) of Section 11450 of the Welfare and Institutions Code.

Implementation of Section 1 of this act is contingent upon the availability of federal financial participation for homeless assistance payments to federally eligible AFDC applicants and recipients. If the State Director of Social Services determines that the federal government has failed to approve the payments, Sections 3.5, 4, and 5 of this act shall become inoperative.

SEC. 9. Section 1 to 7, inclusive, of this act shall become operative on February 1, 1988.